

Def & Ref

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

FOGHER

Appln. No. 09/743,823

Filed: August 22, 2001



Confirmation No. 8610

Atty. Ref.: 4161-14

T.C. / Art Unit: 1638

Examiner: C.E. Collins

2006 MAY 15 PM 4: 54

US PATENT & TRADEMARK
OFFICE

FOR: SYNTHETIC POLYNUCLEOTIDE CODING FOR HUMAN LACTOFERRIN,
VECTORS, CELLS AND TRANSGENIC PLANTS CONTAINING IT

* * *

ASSERTION OF SMALL ENTITY STATUS AND REFUND REQUEST

May 8, 2006

Mail Stop 16

Hon. Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

On behalf of his client, the undersigned attorney asserts under 37 CFR § 1.27(c) that this application is entitled to small entity status and to pay fees accordingly.

A final Office Action was mailed on October 11, 2005. On Monday, February 13, 2006, Applicants filed an Amendment but inadvertently failed to pay \$60 for a one-month extension of time to respond. But the USPTO charged \$450 to the attorney's deposit account for a two-month extension of time to respond. Therefore, refund of the overpayment under 37 CFR § 1.28(a) of \$390 is requested: \$450 minus \$60 for the proper extension of time to respond. It is requested that the overpayment of \$390 be refunded to Applicants' attorney by crediting his firm's Deposit Account No. 14-1140 under Order No. 4161-14. For this purpose, a duplicate copy of this paper is enclosed.

Respectfully submitted,

NIXON & VANDERHYTE P.C.

By: _____

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